

# State probes nursing home



TOM GALLAGHER — Staff

Sacred Heart Convalescent Hospital in Castro Valley is under state monitoring since pay problems allegedly have left the facility short-staffed. About 70 elderly residents live at the Redwood Road nursing home.

C.V. facility accused of understaffing, poor patient care

By Mary Flaherty  
STAFF WRITER

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CASTRO VALLEY — The state is investigating whether a local nursing home's financial troubles are endangering the 69 elderly residents.

Workers at Sacred Heart Convalescent Hospital said late paychecks have driven frustrated staff to quit or call in sick, leaving the nursing home understaffed. And that, they say, has lowered the quality of care for the residents, some of them bedridden and many no longer alert.

The Department of Health Services, which regulates nursing homes, is concerned mainly with the facility's living conditions — not the business end.

But a detail in the ownership of Sacred Heart, uncovered by The Daily Review, raised a red flag for the department: An officer in the nursing home's parent company is a disbarred lawyer currently in prison on fraud convictions.

Corporate records show that the former lawyer, Robert Fisher, is an officer with Sierra Redwoods Healthcare, the parent company of the group that bought Sacred Heart last fall. His name should — but does not — appear on the owners' application for a nursing home license. State law requires nursing home owners to be of reputable and responsible character.

The Daily Review was alerted to problems when two Sacred Heart workers called to report that paychecks frequently bounce and have been

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# seeks patient's removal

Daughter critical  
of C. V. facility

By Mary Flaherty  
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CASTRO VALLEY — Sacred Heart Convalescent Hospital, currently under a state investigation, has asked a woman who spoke publicly about problems at the facility to remove her mother from the home.

"This looks like a retaliation against the resident whose relative is raising a question about care," said Prescott Cole, staff attorney with the California Advocates for Nursing Home Reform. "That is not acceptable."

Minnie Miller, of Union City, received a letter last Friday recommending that she move her mother because Miller and other family members have allegedly "scrutinized staff unreasonably."

Gil Martinez, a district manager with the state Department of Health Services, which is monitoring Sacred Heart for possible care problems, said excessive scrutiny is not a reason for discharging residents.

Miller believes the letter is in retaliation for remarks she made in a Daily Review story last week. The newspaper reported that late and bouncing paychecks have caused workers at Sacred Heart to quit or call in sick, leaving the nursing home — with 69 residents — understaffed.

In the Review story, Miller expressed concern about the effect of staff shortages on care. She said she stayed at the nursing home until 2 a.m. one night, when it was understaffed, to make sure her mother got the care she needed. Miller's 84-year-old mother is bedridden, no longer alert and has lived at Sacred Heart for nearly five years. Miller said at least one family member visits her mother every day.

The story was published July

# Move: Letter sent day after article was published

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28. Two days later, Miller received a letter from William Arthur, medical director of Sacred Heart, postmarked July 29. The letter was dated July 12.

Arthur wrote:

"... (The) reason I am involved as medical director, is the family pressure on the nursing staff. I appreciate your concern for your mother, but apparently the manner in which you try to effect better care for her is interpreted by the staff as excessive pressure on them. They feel they are being scrutinized unreasonably. This has created a very uneasy feeling among the nurses and CNA's. As a matter of fact, it has caused some of them to quit or to refuse to work with your mother. I worry that your mother's care may be jeopardized at some point because of this.

"Sacred Heart is trying to do its very best to effect proper and good care for your mother. I am going to recommend, however, that you find another facility for your mother, where perhaps you might be more comfortable and happier with her care. This is not an acknowledgment or an admission of improper care. We feel her care has been perfectly adequate."

Cole, with the California Advocates for Nursing Home Reform, pointed out that the letter does not tell Miller to remove her mother, it only asks. But, he said, "the underlying text appears to be a veiled threat."

Neither Arthur, who is retired from his medical practice, nor the nursing home's administrator, Tory Ocampo, returned a call from the Hayward Daily Review on Wednesday.

State law allows nursing homes to transfer or discharge patients only for medical reasons or failure to pay. It also permits residents to voice grievances, free from reprisal.

If that fails, they could call in the Ombudsmen program, which tries to determine the source of trouble and find solutions.

Robinson also said her organization encourages family members to scrutinize nursing home care.

Ava Roberts, a former nursing assistant at Sacred Heart, spoke in support of Miller.

"She just wants the best care for her mother — who doesn't?" Roberts said. "Whatever she asked me to do, it was not a problem — that's our job."

Another worker, who asked not to be named, agreed with Roberts.

"They have it out for her because she keeps them on their toes," she said, referring to some of the nurses and assistants. "She's not asking too much, as far as I can see."

The employee said Miller speaks up not just for her mother, but for other residents, as well.

Miller said she and her sister were very upset by the letter, and have not yet decided whether to move their mother.

"It's a little hard for me to think about moving her," said Miller, who is coping with her own medical problems and said the situation has made her very tense.

In the meantime, the state investigation continues. The Health Services department began monitoring health care conditions at Sacred Heart in early July, after receiving several calls about the late paychecks and staffing problems.

Martinez, the department's director, said Health Services is now conducting a more in-depth survey, reviewing records and interviewing staff, residents and family members.

He said the department will

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State law allows nursing homes to transfer or discharge patients only for medical reasons or failure to pay. It also permits residents to voice grievances, free from reprisal.

A resident could also be asked to move in "very extreme interpersonal situations," said Jane Robinson, executive director of Ombudsmen Inc., a volunteer organization that monitors nursing homes. But, she added, "Problems with the family is not a reason for discharge."

Robinson said that if nursing home staff members are having

director, said Health Services is now conducting a more in-depth survey, reviewing records and interviewing staff, residents and family members.

He said the department will meet early next week with two of the owners and their lawyers to discuss concerns over ownership. The Daily Review reported last week that one of the officers with the parent company of Aspire Hospital, which bought Sacred Heart last September, is a disbarred lawyer named Robert Fisher who currently is serving a prison term on a fraud conviction.